

651 Green Street  
Cambridge, MA 02139  
May 23, 2003

Mayor Michael A. Sullivan  
City Hall, 795 Massachusetts Avenue  
Cambridge, MA 02139

Dear Mayor Sullivan:

Dr. Melanie Joy has forwarded to me the City Manager's April 14, 2003 letter to you about destruction of habitat along the Charles River in Cambridge. Contrary to that letter, the city knows the MDC is poised to destroy riverfront habitat along the shore between MIT and the BU Boathouse in Phase II of its "Historic Parkways" project. The MDC will cut, poison, and root out existing plants and replace them with rip-rap. It has already cut down mature trees in Phase I and is set to destroy more in Phase II for an apparent total of 300-600 healthy trees. The Cambridge Conservation Commission heard these plans most recently on May 12, 2003. Also contrary to the letter, Cambridge has led the way in habitat destruction on MDC parkland on the Charles and now continues this destruction with imminent plans to destroy habitat at Magazine Beach.

In 1997 Cambridge showed its three-part plan to destroy the habitat of the Charles River White Geese and other birds and animals, from Magazine Beach to the Conrail tracks (enclosed). Beginning in 1999 with the MDC/Boston University Phase I destruction of the White Geese's nesting area (just downriver from the BU Bridge) and continuing to 2003, Cambridge has planned and colluded in the destruction of this entire stretch of river habitat. Despite the work's many illegalities, the Cambridge Conservation Commission, appointed by the Cambridge City Manager, has failed to prevent or remedy them.

In Phase II, at Magazine Beach, the city is paying to fill in wetlands and construct a riverfront path exactly where the White Geese and other birds and animals now live. Cambridge's plans specify that in Phase III the riverfront path—within the first 25 feet of the river—will extend its destruction through habitat along the front of the MWRA CSO plant, along the shore at the destroyed nesting area, and into that area. It is indisputable that the White Geese and other birds and animals live in this area. It is also indisputable that Cambridge is set to destroy it.

I enclose a copy of Exhibit "B" of the city's Joint Management and License Agreement with the MDC, the preliminary cost estimate of the destruction at Magazine Beach, dated January 13, 1998, together with Plans L-1 and L-2 (Plot Date: 11/18/2002) for the work. Please note the removal of 7 acres of wetland topsoil and its replacement with 3,000 cubic yards of gravel and 5,000 cubic yards of soil (for a total cost of \$231,000-\$331,000, to say nothing of the \$180,000-\$280,000 irrigation system to water what is now naturally irrigated). This project does not, as the Manager's letter says, "enhance riverfront wildlife habitat." It destroys it.

Contrary to the letter, the city has known and supported plans to destroy the White Geese's habitat—it drew them. The city supported the MDC and its agent, Boston University, in the 1999 destruction of the nesting area and after, when it was clear the work ignored the CCC's Order of Conditions for scope, range, and timing. Notified of the many illegalities there in 2000, the Commission subsequently failed to remedy them, itself engaging in a meeting with the MDC contrary to the state's open meeting law. The resulting wasteland is a tribute to this scandal.

Future plans for the thickly wooded area between the BU Boathouse and the Conrail tracks are, if possible, much worse even than those for Magazine Beach. They show the destructive path continuing from

the goose meadow across the tracks and then along the shore, with a likely 100% destruction of the trees there. If this plan, no longer publicly shown, is implemented together with Phase II of "Historic Parkways" and the destruction at Magazine Beach, a mile of habitat, centered around the BU Bridge, will be eliminated. Such simultaneous destruction of habitat is consistent with Cambridge's policies, hence entirely possible.

The Manager's letter implies the CCC's review of plans at advertised public meetings discharges the Commission's obligation under the Wetlands Protection Act. If the MDC routinely flaunts the CCC's Orders of Conditions for work of all sorts on the Charles, it follows from the CCC's utter lack of enforcement of this Act. In addition to the scandal of the goose meadow, please consider these few examples:

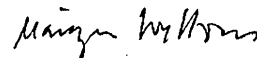
This spring the MDC illegally began work on the Phase I of the MDC's Memorial Drive "Historic Parkways" work in Cambridge from the Longfellow Bridge to the viaduct. Despite expressions of dismay, the CCC failed to impose penalties.

The MDC repeatedly fails to get permission from the CCC for "vegetation management" on the Charles and fails to report on the work done. (Please see the enclosed letter from me to you dated September 8, 2000 about an incident the previous June.) On May 12, 2003, the MDC's Richard Corsi apologized to the CCC for the most recent incident: "I apologize for not getting things to the Commission, not in a timely manner or in any fashion. I blew it." This remarkable statement drew no response at all, and once again the CCC failed to impose any penalties.

Given this history, the city cannot expect the CCC to protect the riverfront under the Wetlands Protection Act, certainly not when the city itself plans the destruction, as at the goose meadow, or plans and destroys, as at Magazine Beach. As for the MDC, its plans for Phase II of the "Historic Parkways" project between MIT and the BU Boathouse clearly show the MDC will destroy riverbank habitat between MIT and the BU Boathouse. Tree destruction in this Phase will likely extend to Magazine Beach itself. It is indisputable these plans—promising, as always, some MDC fantasy of "native" plants—will destroy it. The CCC's Orders of Conditions routinely allow these fantasies to destroy existing habitat. And destructive as its Orders of Conditions consequently are, the CCC nevertheless accepts their repeated, manifold, contemptuous violation by the MDC as it ignores and exceeds even those destructive terms.

State law protecting habitat in Cambridge is not well and truly executed. As our elected representatives, are City Councillors unable to see this, or to ensure the law is properly enforced?

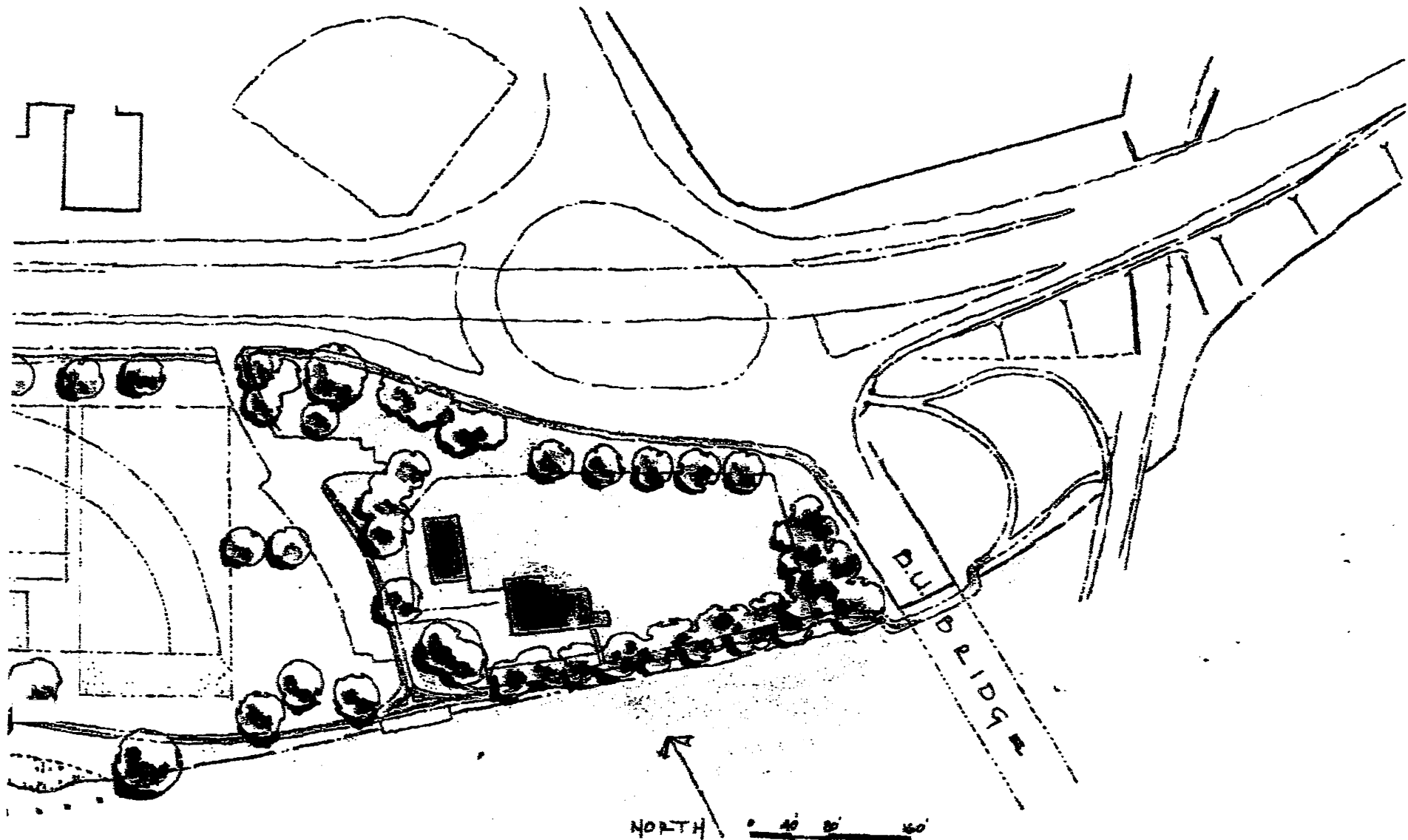
Yours sincerely,



Marilyn Wellons

cc. Dr. Melanie Joy, [foodresearch@hotmail.com](mailto:foodresearch@hotmail.com)  
Editor, Cambridge Chronicle

encl. Cambridge Development Department plans for Magazine Beach and goose meadow (1997)  
Exhibit "B," Joint Management and License Agreement for Magazine Beach (1998)  
Plans L-1 and L-2 for Magazine Beach (11/18/2002)  
letter, Marilyn Wellons to Councillor Michael A. Sullivan (September 8, 2000)



DRAFT

# EXHIBIT "B"

## MAGAZINE BEACH FACILITY

### Preliminary Cost Estimate<sup>1</sup>

January 13, 1998

<p><b>Athletic Fields (soccer, softball, little league)</b></p> <ul style="list-style-type: none"> <li>• irrigation system</li> <li>• drainage system</li> <li>• grading, removal of topsoil, add loam/gravel base                             <ul style="list-style-type: none"> <li>topsoil removal-7 acres @ \$3,000/acre</li> <li>6"loam- 5,000 yd<sup>3</sup> @ \$20/yd<sup>3</sup></li> <li>3"-6" gravel - 3,000 yd<sup>30</sup> @ \$20/yr<sup>3</sup></li> </ul> </li> <li>• sodding or hydroseeding                             <ul style="list-style-type: none"> <li>sod - 280,000 ft<sup>2</sup> = \$50,000 or,</li> <li>Hydro - 280,000 ft<sup>2</sup> = \$150,000</li> </ul> </li> </ul>	<p><b>\$511,000</b></p>
<p><b>Playground/Picnic Table Area</b></p> <ul style="list-style-type: none"> <li>• picnic tables/grills                             <ul style="list-style-type: none"> <li>10 tables @ \$2,400 table</li> <li>10 grills @ \$2,000 grill</li> </ul> </li> <li>• demolish existing play equipment and replace \$250,000</li> <li>• renovate existing water spray pool \$50,000</li> </ul>	<p><b>\$344,000</b></p>
<p><b>Beach Area (near MDC Pool)</b></p> <ul style="list-style-type: none"> <li>• grading, removal of existing soil/pavement, adding beach sand, accessibility ramp/stairs, landscaping</li> </ul>	<p><b>\$75,000</b></p>
<p><b>Parking Area Improvements (near fields)</b></p> <ul style="list-style-type: none"> <li>• granite curbing, site prep., addition of gravel                             <ul style="list-style-type: none"> <li>500 linear ft granite curbing - \$14,000</li> <li>excavate and dispose material - \$5,000</li> <li>gravel - \$5,000</li> </ul> </li> <li>• bituminous concrete paving \$14,000</li> </ul>	<p><b>\$36,000</b></p>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>• trees, shrubs and other plantings</li> </ul>	<p><b>\$65,000</b></p>
<p><b>Fencing</b></p>	<p><b>\$40,000</b></p>

<sup>1</sup> This preliminary cost estimate is based upon a conceptual design and not an actual design. The costs provided here are intended to be used as general guidelines for site improvements at the Magazine Beach facility on Memorial Drive.

<b>Sidewalk Resurfacing and Lighting</b>	<b>\$100,000</b>
<b>Boat Dock</b>	<b>\$50,000</b>
<b>CONSTRUCTION TOTAL</b>	<b>\$1,221,000</b>
<b>Design Consultants</b> • design/construction drawings and permitting	<b>\$184,000</b>
<b>Contingency</b>	<b>\$183,000</b>
<b>PRELIMINARY COST ESTIMATE</b>	<b>\$1,588,000</b>

651 Green Street  
Cambridge, MA 02139  
September 8, 2000

Councillor Michael A. Sullivan  
Cambridge City Council  
City Hall  
Cambridge, MA 02139

Dear Councillor Sullivan:

Thank you for your letter of August 10, 2000, responding to my call to you June 25 about private citizens clearing MDC parkland on the Charles River. You may remember I had recently received a call complaining about the destruction of herons' habitat in the 900-1000 block of Memorial Drive.

You ask whether the City Manager's letter to you dated August 8, 2000, and forwarded to me, is satisfactory and solves the problem posed by this destruction. I wish the answer were yes, but the Manager's response only serves to establish a pattern of negligence, at best, on the part of the MDC and insufficient vigilance to the MDC's irregularities on the part of the Cambridge Conservation Commission. Further, the City Manager has insufficiently informed the Cambridge City Council about the environmental consequences of plans for Magazine Beach it has already voted to fund.

The instance of June 25, in which the CCC assumed the clearing it had approved last year "would be conducted by the MDC as specified" and agents other than the MDC performed work "on behalf of the MDC without proper guidance," repeats the destruction of habitat on MDC parkland in Cambridge beginning October 18, 1999. This previous destruction continues to be insufficiently investigated by the CCC.

As in this more recent case, the CCC understood at its hearing October 18 that the MDC would clear specific plants from a portion of MDC parkland (the goose meadow). Instead, another agent, without "proper guidance" or, apparently, any contract with the MDC, did the job. This agent, unknown to the CCC, was Boston University or its contractor rather than the MDC.

BU's work exceeded the permission granted the MDC. In addition to clearing all plants from a greater area than specified on plans shown at that hearing, BU also performed earth works within one hundred feet of the river and altered the grade there. This change of grade was not requested by the MDC and consequently not permitted by the CCC. It is a continuing, serious breach of state law protecting riverbanks.

I believe the City Council asked the City Manager to investigate the work at the goose meadow on your motion. The CCC, responding via the City Manager, determined that the clearing exceeded the permission granted. The CCC did not, however, investigate the change of grade within one hundred feet of the river.

The illegal change of grade is mentioned in the memorandum I submitted to the Council June 19. Not mentioned there is an additional illegality: BU began clearing plants from the goose meadow on October 18, 1999, *before* the CCC's hearing on the MDC's application that night at 8:43. An e-mail from Robert J. La Tremouille of that date reports the beginning of work there the morning of the 18th. I would be happy to send you a copy if you would like.

There is no reason to believe these acts of vandalism on MDC land in Cambridge will stop without a thorough investigation of illegalities at the goose meadow. Specifically, I believe the City of Cambridge should survey the grade at the goose meadow and compare it to surveys showing grade prior to October, 1999 to confirm the change of grade. In addition, it would be important to determine the start of work at the goose meadow, to confirm that the destruction there began wholly outside any official approval.

My concern has always been that the Charles River white geese continue to live on the river. Work to protect them has revealed a series of failures by the authorities charged with protecting the riverfront habitat. These failures include the illegal clearing of June 25 this year and the work at the goose meadow in 1999. They also include, but are not limited to, a failure to inform the City Council of the consequences of its vote of \$1.5 million for a redo of state-owned parkland at Magazine Beach. These plans continue the systematic destruction of the geese's habitat.

If the Council holds to these plans for Magazine Beach regardless of their devastating effect on the geese, the City of Cambridge will spend \$1.5 million to develop parkland not its own, frittering away money that could be spent on acquiring *new* open space for Cambridge. Further, if the U.S. Environmental Protection Agency orders the MWRA to construct holding tanks and additional buildings for the Cottage Farm CSO plant there, as is possible, taxpayers will have spent that money on a redo that is not only unnecessary but temporary as well.

Thank you for your efforts to date. I would be grateful for further action on the two points of irregularity described above. I also believe the Council could use your leadership in reviewing plans for Magazine Beach.

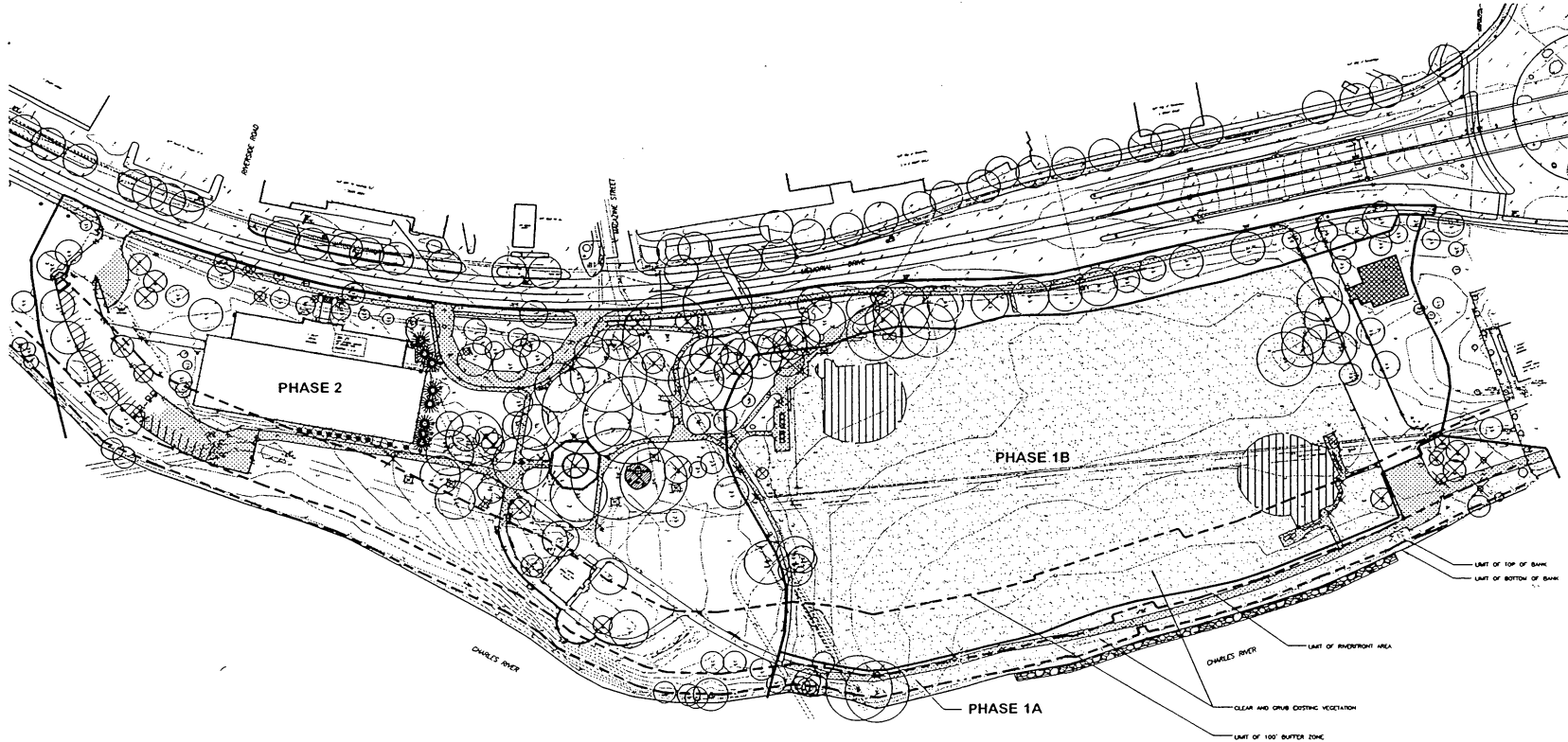
Yours sincerely,

*MW*

Marilyn Wellons

Wallace Floyd Design Group  
ARCHITECTURAL, LANDSCAPE ARCHITECTURE, PLANNING, DESIGN, CONSTRUCTION  
100 STATE STREET, SUITE 200, CAMBRIDGE, MA 02149  
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The Paul Engineering Group  
100 STATE STREET, SUITE 200, CAMBRIDGE, MA 02149  
TEL: 617.452.1234 FAX: 617.452.1235 WWW.PEGROUP.COM



VEGETATION LEGEND

LIMIT OF WORK LINE

SITE ELEMENT TO BE REMOVED

BITUMINOUS CONCRETE PAVING  
W/ BASE TO BE REMOVED

CONCRETE PAVEMENT TO BE REMOVED

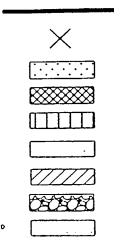
BASEBALL FIELD INFIELD MAT  
TO BE REMOVED

LAWN TO BE REMOVED

FENCING/CLIMBING TO BE REMOVED

STONE RIP RAP TO BE  
REMOVED AND STOCKPILED

FENCING/CONCRETE BLOCKS TO BE REMOVED



SURVEY NOTES

1) BENCH MARK INFORMATION

2) TYP #2 -

3) ELEVATIONS REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988.

4) CONTOUR INTERVAL EQUALS ONE (1) FOOT.

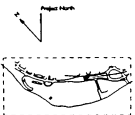
5) HORIZONTAL INFORMATION REFER ORIGINAL DATA FROM PLACENT STREET  
TO THE FIELD INSTRUMENTS THE S.D. INSTRUMENTS AND DATUMS BY AREA  
PROPORTIONALLY DURING THE SURVEY OF THIS.

6) VEGETATION INFORMATION IS BASED ON AERIAL PHOTOGRAPHS AND  
FIELD SURVEYS CONDUCTED BY THE SURVEYOR. LOCATION  
OF UNIDENTIFIED STRUCTURES/VEGETATION ARE NOT SHOWN  
UNLESS THEY ARE IDENTIFIED AS SUCH BY THE SURVEYOR.  
UNLESS OTHERWISE NOTED, ALL STRUCTURES/VEGETATION  
SHOWN ON THIS PLAN ARE CONSIDERED TO BE EXISTING.  
UNLESS OTHERWISE NOTED, ALL STRUCTURES/VEGETATION  
SHOWN ON THIS PLAN ARE CONSIDERED TO BE EXISTING.  
UNLESS OTHERWISE NOTED, ALL STRUCTURES/VEGETATION  
SHOWN ON THIS PLAN ARE CONSIDERED TO BE EXISTING.

SURVEY LEGEND

1	EXISTING SIDEWALK	10	EXISTING SIDEWALK
2	EXISTING SIDEWALK	11	EXISTING SIDEWALK
3	EXISTING SIDEWALK	12	EXISTING SIDEWALK
4	EXISTING SIDEWALK	13	EXISTING SIDEWALK
5	EXISTING SIDEWALK	14	EXISTING SIDEWALK
6	EXISTING SIDEWALK	15	EXISTING SIDEWALK
7	EXISTING SIDEWALK	16	EXISTING SIDEWALK
8	EXISTING SIDEWALK	17	EXISTING SIDEWALK
9	EXISTING SIDEWALK	18	EXISTING SIDEWALK
10	EXISTING SIDEWALK	19	EXISTING SIDEWALK
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39	EXISTING SIDEWALK	48	EXISTING SIDEWALK
40	EXISTING SIDEWALK	49	EXISTING SIDEWALK
41	EXISTING SIDEWALK	50	EXISTING SIDEWALK

NO.	DATE	REVISION



Scale: 1" = 50'

NOT  
DISTINGUISHING CONDITIONS PLAN  
L-1

DATE: 11/18/2002 09:54  
 PROJECT: 03003.001 - WOBURN PLAZA - DESIGNING  
 FILE: SURVEY - LWB-01 - 1-8047





Magazine Beach Site Improvements

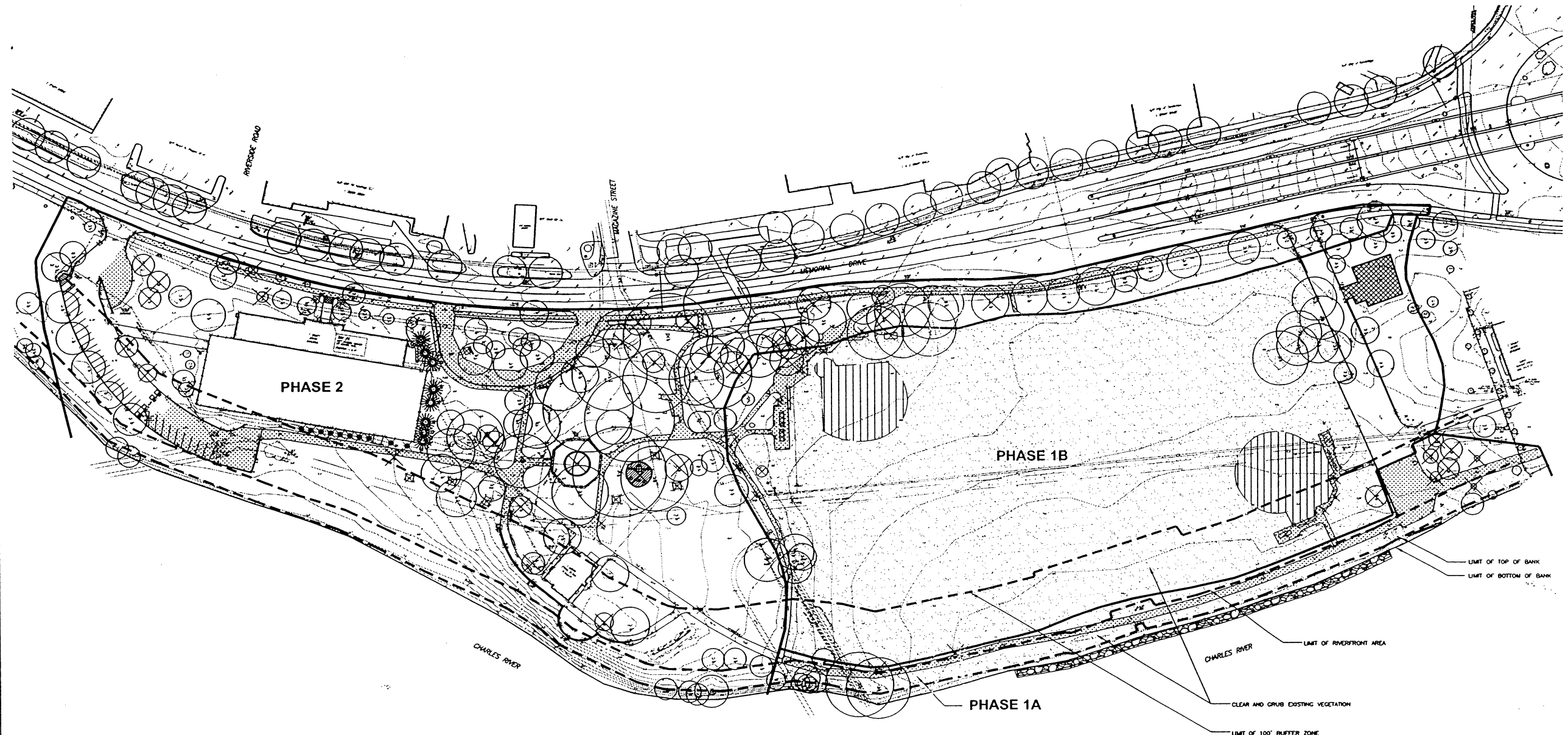
Metropolitan District Commission / City of Cambridge

Wallace Floyd Design Group

Architectural, Landscape Architectural, Planning, Urban Design  
155 WASHINGTON STREET, SUITE 200, CAMBRIDGE, MASSACHUSETTS 02139  
TEL: 617.552.1100 FAX: 617.552.1101 WWW: WFDG.COM

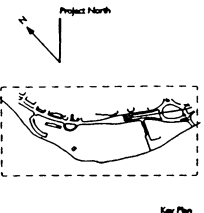
The BioEngineering Group  
145 WASHINGTON STREET, SUITE 200, CAMBRIDGE, MASSACHUSETTS 02139  
TEL: 617.552.1100 FAX: 617.552.1101 WWW: BIOENGINEERING.COM

Bryant Engineering  
155 WASHINGTON STREET, SUITE 200, CAMBRIDGE, MASSACHUSETTS 02139  
TEL: 617.552.1100 FAX: 617.552.1101 WWW: BRYANTENGINEERING.COM



LIMIT OF TOP OF BANK  
LIMIT OF BOTTOM OF BANK  
LIMIT OF RIVERFRONT AREA  
CLEAR AND CRUB EXISTING VEGETATION  
LIMIT OF 100' BUFFER ZONE

No.	Desc.	Revision



Job No.: 2105.00  
Drawn By: HMC  
Checked By: ST  
Date: 11/18/2002  
Scale: 1" = 50'

NOI  
EXISTING CONDITIONS PLAN  
L-1

LOT DATE: 11/18/2002 09:54  
FILE NAME: C:\PROJECTS\2105\03\_WORKING\LOT\NOI\NOI-DEMO-NOI.DWG  
REF FILES: SURVEY\_LMB-DP 1-B3042

**DEMOLITION LEGEND**

LIMIT OF WORK LINE	
SITE ELEVANT TO BE REMOVED	
BITUMINOUS CONCRETE PAVING & BASE TO BE REMOVED	
CONCRETE PAVEMENT TO BE REMOVED	
BASEBALL FIELD INFIELD MIX TO BE REMOVED	
LAWN TO BE REMOVED	
FENCING/CURBING TO BE REMOVED	
STONE RIP RAP TO BE REMOVED AND STOCKPILED	
FENCING/CONCRETE BLOCKS TO BE REMOVED	

**SURVEY NOTES**

1) BENCH MARK INFORMATION  
BENCH MARK USED:  
BM #1 - LEFT OUTER CORNER GRANITE WALL  
BM #2 - THE INTERSECTION TO B.L.C. VETERANS MEMORIAL SURROUNDING POOL. ELEVATION = 8.17 (MAY 1988)

2) ELEVATIONS REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988.  
3) CONTOUR INTERVAL EQUALS ONE (1) FOOT.

4) TOPOGRAPHIC INFORMATION WITHIN MEMORIAL DRIVE FROM PLEASANT STREET TO THE RED OVERPASS (AT THE B.L.C. BRIDGE) WAS OBTAINED BY AERIAL PHOTOGRAPHY DURING THE MONTH OF 2000.

5) UTILITY INFORMATION SHOWN IS BASED ON ABOVE CIRCLING STRUCTURES AND RECORD PLANS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. BEFORE PLANNING FUTURE CONNECTIONS AND/OR EXCAVATION, THE PROPER UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED AND THE ACTUAL LOCATION OF SUB-SURFACE STRUCTURES SHOULD BE DETERMINED BY THE FIELD. MASSACHUSETTS LAW REQUIRES THAT ONE-SAFE BE CONDUCTED. CALL THE ONE-SAFE CALL CENTER, TOLL-FREE, AT 1-888-344-7333 SEVENTY-TWO HOURS PRIOR TO CONSTRUCTION.

**SURVEY LEGEND**

	MANHOLE		SEWER MANHOLE
	GAS SHUT OFF		ELECTRIC MANHOLE
	WATER SHUT OFF		WATER MANHOLE
	CATCH BASIN		MANHOLE
	CATCH BASIN - ROUND		WOOD FENCE
	LAWN POLE		OPENWOOD TREE
	UTILITY POLE		BOTTOM OF WELL
	HORIZONTAL		TOP OF MAP
	WIRE BOX		CALCULATION WELL
	PARKING METER		TEMPORARY BENCH MARK
	MANHOLE		FLARED END SECTION
	SHAFT OFF		MOBILE PIPE
	BELLAND		TOP OF WELL
	SNOW ELEVATION		TOP OF INTER
	SEW ELEVATION		TOP OF STORM
	TOP		FULL OF WATER
	BOTTOM		SAND PILE
	BITUMINOUS		FENCE
	CONCRETE		SEWER
	AIR CONDITIONING LINE		LAWN
	POST INDICATOR VALVE		TREE
	VERTICAL GRANITE COLUMN		SIDWALK
	CONCRETE COLUMN		ELECTRIC
	CHAIN LINK FENCE		TELEPHONE
			TELEPHONE MANHOLE

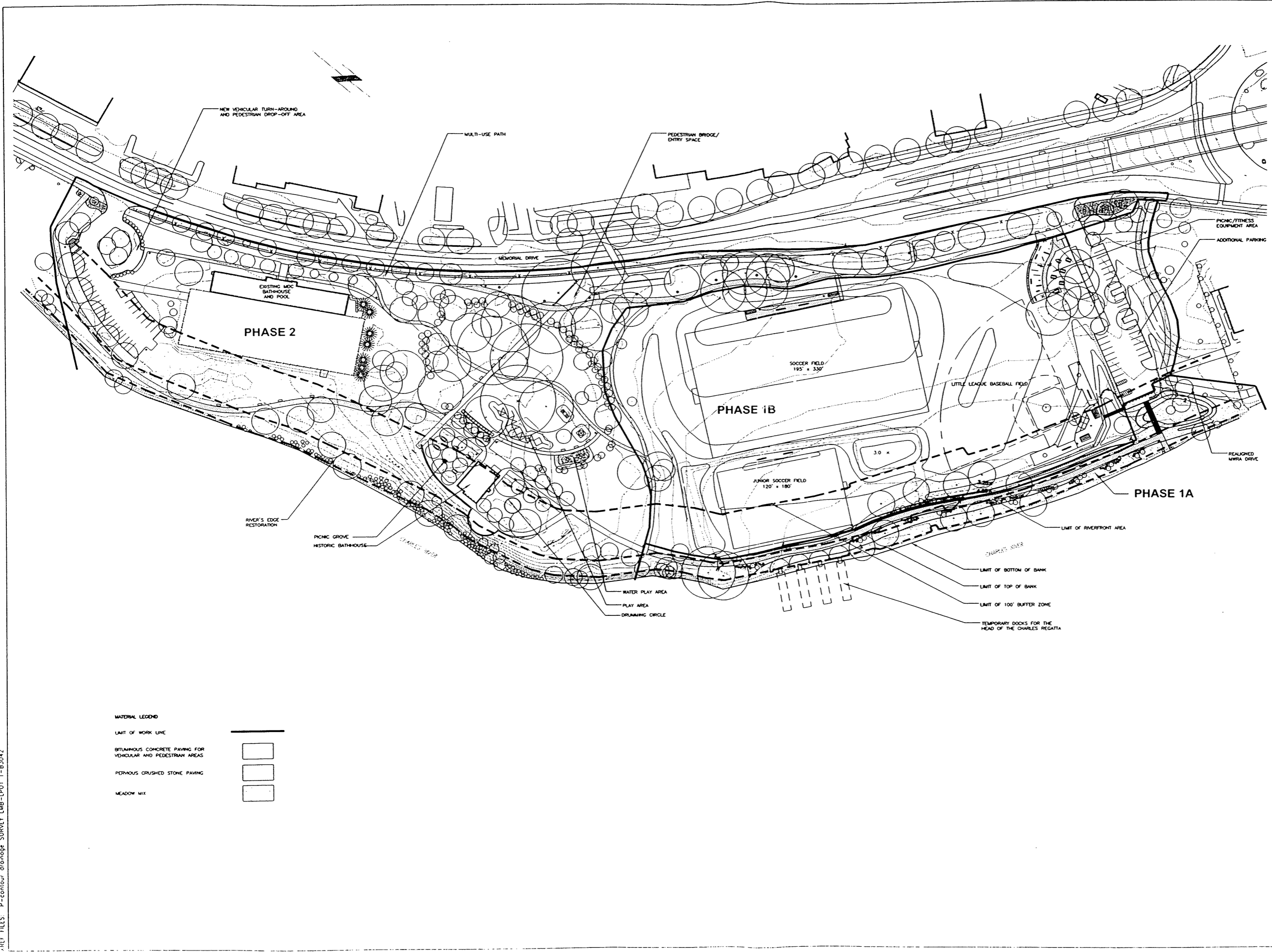


Magazine Beach  
Site  
Improvements

Metropolitan District  
Commission / City of  
Cambridge

Wallace Floyd Design Group  
ARCHITECTURE, LANDSCAPE ARCHITECTURE, PLANNING, URBAN DESIGN  
127 FRANKLIN STREET, SUITE 200, BOSTON, MASSACHUSETTS 02110  
P: 617-552-1200 F: 617-552-1000 WWW.WFDG.COM

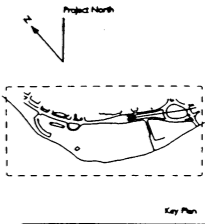
The Infrastructure Group  
Historic Landmarks / Asset Value Management  
Earthtech  
Planning & Urban Design  
Harri R. Feldman  
Bryan Engineering  
Civil Engineering



**MATERIAL LEGEND**

LIMIT OF WORK LINE	
BITUMINOUS CONCRETE PAVING FOR VEHICULAR AND PEDESTRIAN AREAS	
PERMANENT CRUSHED STONE PAVING	
MEADOW MIX	

No.	Date	Revision



Job No.	31025.00
Drawn By	HWK
Checked By	KY
Date	
Scale	1" = 50'

DATE: 11/18/2002 10:02  
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 PLOT FILES: P-Contour, drainage SURVEY LMB-LP01, 1-B3042

7

651 Green Street  
Cambridge, MA 02139  
May 29, 2003

2003 MAY 29 12:00  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

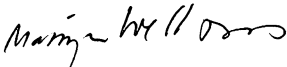
Cambridge City Council  
City Hall, 795 Massachusetts Avenue  
Cambridge, MA 02139

To the Honorable, the Cambridge City Council:

Enclosed please find my letter to Mayor Michael A. Sullivan, dated May 23, 2003, with enclosures.

The letter and enclosures respond to the City Manager's letter to the Mayor, dated April 14, 2003. In his letter, the Manager seeks to reassure that state law protecting riverfront habitat is well and truly executed in Cambridge. Unfortunately for the city, this is not the case, as my letter recounts.

In addition to Plans L-1 and L-2 enclosed with my May 23 letter, I enclose Plan L-3 as well, to show the full extent of the city's plans for wetland destruction at Magazine Beach.

Yours sincerely,  
  
Marilyn Wellons

Encl. letter, Marilyn Wellons to Mayor Michael A. Sullivan (May 23, 2003), with enclosures Plan L-3 for Magazine Beach (11/18/2002)

S-194

**Communication #7**

A communication was received from Marilyn Wellons, regarding Magazine Beach.

**In City Council June 2, 2003**

**PLACE ON FILE**